Public Servants Disclosure Protection Tribunal Canada

2010 – 2011 Estimates

Report on Plans and Priorities

The Honourable James Moore
Minister of Canadian Heritage and Official Languages

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Registrar's Message

I am pleased to present the *2010-2011 Report on Plans and Priorities* for the Public Servants Disclosure Protection Tribunal (the Tribunal).

The *Public Servants Disclosure Protection Act* came into force in 2007. The Act created a regime designed to encourage public servants to disclose wrongdoings by protecting them from reprisals.

The Tribunal deals with reprisal complaints referred by the Public Sector Integrity Commissioner. If the Tribunal determines that a reprisal was taken, it has the authority to order a remedy in favour of the complainant and disciplinary action against the person who took the reprisal.

It will soon be three years since the Tribunal was established, and it has yet to receive a case. This may be attributable to a lack of awareness by public servants of the disclosure protection regime. Consequently, it is essential that the organisation continue its efforts to raise awareness of the Tribunal and its mandate among public servants. This will constitute our key activity this year.

Lisanne Lacroix
Registrar and Deputy Head,
Public Servants Disclosure Protection Tribunal

Section I – Departmental Overview

Raison d'être and Responsibilities

The raison d'être of the Tribunal is to protect public servants who disclose wrongdoings from reprisals.

The Tribunal is one component of the wrongdoing disclosure regime introduced by the *Public Servants Disclosure Protection Act*[1] (the Act). In addition to the Tribunal, Chief executives, the Public Sector Integrity Commissioner (the Commissioner) and the Treasury Board have responsibilities under the Act. The Tribunal's success and that of its partners will strengthen accountability and increase public confidence in the integrity of public servants.

The Tribunal is an independent quasi-judicial body responsible for dealing with complaints of reprisal referred by the Commissioner. The Act provides for the establishment of a Registry to help the Tribunal in the conduct of its work, with an office in the National Capital Region.

1. S.C., 2005, c. 46.

Strategic Outcome and Program Activity Architecture (PAA)

In carrying out its mandate, the organization is aiming for the following strategic outcome:

Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.

The Registry assists the Tribunal in fulfilling its mandate through the Reprisal Hearings Program. This program provides for the effective management of the Tribunal's hearing process. This involves receiving documents, processing cases, maintaining Tribunal records and providing logistical and legal support to Tribunal members. The Registry also informs parties and interested persons of the existence and powers of the Tribunal.

Planning Summary

Financial Resources (thousands of dollars)

2010–2011	2011–2012	2012–2013
1,828	1,828	1,828

Human Resources (Full-Time Equivalent—FTE)

2010–2011	2011–2012	2012–2013
12	12	12

Strategic Outcome: Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.	
Performance Indicators	**Targets**
Number of decisions or orders issued within 250 calendar days from the start of a proceeding	90% of proceedings are completed within 250 calendar days
Degree to which the evidence and the written communication filed are shared with all parties	Fewer than 10% of adjournments are granted by the Tribunal because of deficiencies in the disclosure of evidence and written communication filed
The extent to which the parties have the information needed to exercise their rights	The procedural guide is distributed to all parties within five days after the commencement of the proceeding

Program Activity	**Forecast Spending 2009–10**	**Planned Spending** (thousands of dollars)			**Alignment to Government of Canada Outcomes**
		2010-2011	**2011-2012**	**2012-2013**	
Reprisal Hearings Program	1,828	1,828	1,828	1,828	Government Affairs
Total Planned Spending		1,828	1,828	1,828	

Contribution of Priorities to Strategic Outcome

Operational Priorities	Type	Links to Strategic Outcome	Description
Hold hearings	Already committed to	Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals	**Why this is a priority:** The Tribunal must be ready to hear reprisal complaints and the Registry to provide support to the Tribunal members as required **Plans for meeting the priority:** ▪ Negotiate agreements with other tribunals for administrative support when complaints are referred to the Tribunal ▪ Meet human resources needs through temporary help
Inform interested persons, key stakeholders and Canadians	Already committed to	Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals	**Why this is a priority:** ▪ Public servants will be more inclined to disclose wrongdoing knowing that they are protected against reprisals ▪ It is important that public servants be aware of the existence of the Tribunal and of its powers to order remedies and disciplinary actions **Plans for meeting the priority:** ▪ Continue efforts to inform public servants of the Tribunal's mandate
Monitor issues arising from the application of the Act	Already committed to	Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals	**Why this is a priority:** ▪ An independent review of the application and operation of the Act will be conducted in 2012, five years after its coming into force ▪ This review will assess the extent to which the procedures established under the Act have been effective **Plans for meeting the priority:** ▪ Conduct a comparative study of protection regimes

Management Priorities	Type	Links to Strategic Outcome	Description
Management excellence	Already committed to	Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals	**Why this is a priority:** ▪ It is important for the Registry to establish a solid management foundation against which to assess and improve organizational performance **Plans for meeting the priority:** ▪ Ensure that all procedures and processes are documented and easily accessible ▪ Support employees in their career aspirations and skills development ▪ Continue to implement the 10 components of the Management Accountability Framework

Risk Analysis

The Tribunal was established almost three years ago and it has yet to receive a complaint. This may be attributable to the fact that public servants are not aware that there is a regime in place to protect them against reprisals. Given that the Act is relatively new, it is essential that the organization continue its efforts to raise awareness of the Tribunal and its mandate among public servants.

Because the Tribunal is relatively new, it is difficult to predict the number of complaints that it will receive from one year to another. The unpredictability of the workload makes it difficult for the Registry to effectively manage its human and financial resources. Hiring employees on a part-time basis or for definite periods of time when the need arises will enable the Registry to meet the Tribunal's needs while ensuring that it manages its financial resources responsibly.

Expenditure Profile

As the Tribunal has not yet received any complaints, there are no trends to report.

Voted and Statutory Items

(thousands of dollars)

Vote # or Statutory Item (S)	Truncated Vote or Statutory Wording	2009–2010 Main Estimates	2010–2011 Main Estimates
115	Program expenditures	1,644	1,644
(S)	Contributions to employee benefit plans	184	184
	TOTAL	1,828	1,828

Section II – Analysis of Program Activities by Strategic Outcome

Strategic Outcome: Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals

Program Activity: Reprisal Hearings Program					
Human Resources (FTE) and Planned Spending (thousands of dollars)					
2010-2011		**2011-2012**		**2012-2013**	
FTE	**Planned Spending**	**FTE**	**Planned Spending**	**FTE**	**Planned Spending**
12	1,828	12	1,828	12	1,828

Program Activity Expected Result	**Performance Indicators**	**Targets**
Effective management of the Tribunal's proceedings	Number of decisions or orders issued within 250 calendar days from the start of a proceeding	90% of proceedings are completed within 250 calendar days
	Degree to which the evidence and written communication filed are shared with all parties	Fewer than 10% of adjournments are granted by the Tribunal because of deficiencies in the disclosure of evidence and written communication filed
	The extent to which the parties have the information needed to exercise their rights	The procedural guide is distributed to all parties within five days after the commencement of the proceeding

Benefits to Canadians

The federal public administration is an important national institution and is part of the essential framework of Canadian parliamentary democracy. Canadians benefit directly from an effective, efficient and ethical public service. They have the right to expect public servants to conduct themselves in an ethical manner and in accordance with their legal obligations.

The Tribunal is one component of the wrongdoing disclosure regime introduced by the Act. Chief executives, the Commissioner and Treasury Board also have responsibilities under the Act. The Tribunal's success, and that of its partners, will foster an environment in which employees are able to openly voice their concerns without fear of reprisals. It will foster the establishment in the public service of a culture based on the highest ethical standards.

Section III – Supplementary Information

Contact Information

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